

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 23, 2007

No. 05-41423
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JOSE MANUEL GUERRERO-GRANADOS

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:04-CR-457-ALL

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Jose Manuel Guerrero-Granados (Guerrero) appeals the 87-month sentence imposed following his guilty-plea conviction of importing more than five kilograms of cocaine. Guerrero argues that the district court violated FED. R. CRIM. P. 32(i)(3)(B) when it did not make a specific ruling or finding on his request for a downward adjustment for a mitigating role. Guerrero did not object during the sentencing hearing regarding whether the district court

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

complied with Rule 32. We review for plain error. See *United States v. Reyna*, 358 F.3d 344, 349-50 (5th Cir. 2004) (en banc).

The record shows that the district court stated specific reasons during the sentence hearing that can be reasonably construed as an explicit ruling on Guerrero's request. Alternatively, because the district court adopted the presentence report (PSR) and because the findings in the PSR are sufficiently clear that we are not left to second guess the basis for the sentencing decision, the district court's adoption of the PSR satisfies the mandates of Rule 32. See *United States v. Carreon*, 11 F.3d 1225, 1231 (5th Cir. 1994).

AFFIRMED.